

## News from Senator Tim Johnson, and Rep. Stephanie Herseth

### For Immediate Release

#### Contact:

**Julianne Fisher, 202-224-1638**  
**R Thursday, October 7, 2005**  
**U.S. Rep. Stephanie Herseth, 202-226-4449**

## Johnson, Herseth Applaud FCC Resolution of Cell Tower Red Tape

**Washington, DC** – U.S. Senator Tim Johnson (D-SD) and U.S. Representative Stephanie Herseth (D-SD) today applauded a Federal Communications Commission (FCC) ruling that clarifies the process for reviewing applications for cell phone tower construction and will help clear the current backlog of applications before the construction season comes to an end.

"I'm pleased that the FCC has addressed this issue and developed a fair and reasonable process for reviewing locations of proposed cell towers. Communications infrastructure is central to the vitality of our rural areas, connecting families, friends, and businesses," **Johnson said.**

**Herseth said,** "Telecommunications infrastructure is a necessary component to economic development in sparsely populated rural areas, including much of South Dakota. This resolution means that more people across South Dakota will have more and better access to cellular service."

Johnson and Herseth wrote to FCC Chairman Kevin Martin earlier this week, encouraging the FCC to work with industry representatives and all other interested parties to resolve the backlog of applications in as equitable a way as possible. Current estimates suggest that about 1,000 applications are on hold nationwide, affecting several communities in South Dakota and raising concerns about limited time left in the construction season in the state.

The backlog resulted from an FCC requirement that wireless telephone companies consult with historical preservation groups and American Indian Tribes to ensure potential cell phone towers would not be constructed in areas of historical or sacred importance without proper consultation. However, the FCC did not have a clear process in place to determine what constitutes consultation and how long a company must wait if they do not hear back regarding the application.

This new FCC ruling clarifies this obligation, determining that if a wireless provider has made two good faith efforts to contact an Indian tribe about a proposed tower over a 40-day period without response, and the FCC has then attempted contact over a 20-day period without response, the obligation to consult has been fulfilled. Additionally, construction will be allowed to proceed in cases of applications that the FCC received before September 10, 2005 and also attempted to contact without response since that time.

# # #

*Congresswoman Stephanie Herseth serves South Dakota in the U.S. House of Representatives. She is a member of the Blue Dog Coalition, a group of moderate Democrats committed to fiscal discipline and strong national security, and is co-chair of the Rural Working Group, which is dedicated to raising the profile of issues important to rural America. She also serves on three committees vital to South Dakota's interests: Agriculture, Veterans' Affairs and Resources.*